

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1157

6
7 H.P. 892

House of Representatives, March 10, 1983

8 On Motion of Representative Hobbins of Saco, referred to the Committee
9 on Judiciary. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Thompson of So. Portland.

Cosponsors: Representative Foster of Ellsworth, Representative Hobbins
of Saco and Senator Gill of Cumberland.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Promote Early Permanency for
18 Children Subject to a Protection Order.
19

20 Be it enacted by the People of the State of Maine as
21 follows:

22 22 MRSA §4038, as amended by PL 1981, c. 369,
23 §12, is repealed and the following enacted in its
24 place:

25 §4038. Mandated review; review on motion

26 1. Mandated review. If a court has made a final
27 protection order, it shall review the case at least
28 once within 18 months of the final protection order
29 and at least every 2 years thereafter, unless the
30 child has been emancipated or adopted.

31 2. Review on motion. The court, the child's
32 parent or custodian, or a party to the proceeding,

1 except a parent whose rights have been terminated
2 under subchapter VI, may move for judicial review.

3 3. Notice of review. Notice of the reviews
4 shall be to all parties to the initial proceeding ac-
5 ording to District Court Civil Rule 4. Notice shall
6 not be given to a parent whose rights have been
7 terminated under subchapter VI.

8 4. Disposition. The court may hear evidence and
9 make any further order, based on a preponderance of
10 the evidence, that is authorized under section 4036.
11 The court may consider events occurring since the
12 original order and the effect of a change in custody
13 on the child.

14 STATEMENT OF FACT

15 The purpose of this bill is to assist the State
16 in complying with federal legislation on permanency
17 planning.

18 The bill adds a requirement that review, after
19 the initial review within 18 months of the final pro-
20 tection order, occur at least every 2 years there-
21 after, unless the child has been emancipated or
22 adopted. Current law provides for mandated review
23 only within 18 months of the protection order. The
24 bill also provides an exception from the general re-
25 quirements of mandated review in certain cases.

26 The bill also places the proper form of reference
27 to other provisions of law in subsections 2 and 3.
28 Subsection 3 contains some other wording changes that
29 do not all change the substantive notice requirements
30 currently in the law. Subsection 4 contains the same
31 language as in current law.

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